

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)	
v.)	
HECTOR ALEXIS ROSADO)	Case No: <u>5:01CR05-08-V</u>
Date of Previous Judgment: <u>April 16, 2002</u>)	USM No: <u>16576-058</u>
(Use Date of Last Amended Judgment if Applicable))	<u>Keith M. Stroud</u>
)	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>33</u>	Amended Offense Level: <u>31</u>
Criminal History Category: <u>V</u>	Criminal History Category: <u>V</u>
Previous Guideline Range: <u>240</u> to <u>262</u> months	Amended Guideline Range: <u>240</u> to <u>240</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No reduction. While a Motion for Downward Departure under USSG §5K1.1 and 18 U.S.C. § 3553(e) was granted by the Court at sentencing, there is no change in the guideline range since the Notice under 21 U.S.C. § 851 enhancing the statutory minimum sentence to a mandatory term of 240 month imprisonment was not withdrawn, restricting the revised guideline range to 240 months, per USSG § 5G1.1(b).

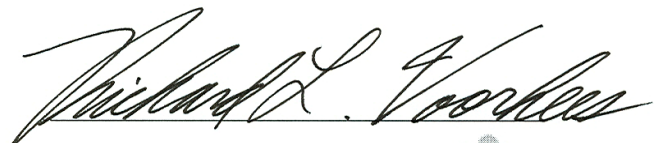
III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated April 16, 2002 shall remain in effect.

IT IS SO ORDERED.

Order Date: February 8, 2011

Effective Date: February 8, 2011
(if different from order date)



Richard L. Voorhees
United States District Judge

